

**WARRANT
ANNUAL TOWN MEETING
TOWN OF DRACUT
JUNE 2, 2014**

TO: ANY CONSTABLE IN THE TOWN OF DRACUT

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in elections and in Town affairs to meet at the Lakeview Junior High School, 1570 Lakeview Avenue, on Monday, June 2, 2014 at 7:30 P.M., then and there to act on the following articles:

ARTICLE #1:

To see if the Town will vote to waive the reading of the Town Meeting Articles as printed in the warrant; or act in any other way relative thereto.

Submitted by Kathleen M. Graham, Town Clerk

Recommendations:

ARTICLE #2:

To see if the Town will vote to hear the report of the Town Accountant, the Board of Selectmen, and any other committee having a direction from previous Town Meetings; or act in any other way relative thereto.

Submitted by Kathleen M. Graham, Town Clerk

Recommendations:

ARTICLE #2-1:

Article #2-1 Referred from November 4, 2013 Annual Town Meeting:

Article #22 of the June 3, 2013 Town Meeting:

To see if the Town will vote to act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Committee Open Space Reserve Account a sum of money to renovate by leveling, irrigating and installing sod on the little league field at 30 Intervale Avenue, Assessors Map 68, Lot 48 and 31 Congress Street, Assessors Map 68, lot 49, Dracut, MA, also known as the Intervale Playground, for recreation purposes; or act in any other way relative thereto.

Submitted by Helen Dunlap, Community Preservation Committee

Recommendations:

ARTICLE #3:

To see if the Town will vote to authorize the Town Treasurer to enter into compensating balance agreements during the fiscal year beginning July 1, 2014, as permitted by General laws, Chapter 44, Section 5F; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager

Recommendations:

ARTICLE #4:

To see if the Town will vote to fix the salaries and compensation of all elective officers of the Town, as provided by General Laws, Chapter 41, Section 108, as amended, to be effective July 1, 2014, and to raise and appropriate such sums of money under the various departments shown below; or act in any other way relative thereto.

Moderator:	\$ 550.00
Board of Selectmen:	\$2,000.00
School Committee:	\$2,000.00

Submitted by Ann M. Vandal, Acting Town Manager

Recommendations:

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ARTICLE #5:

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds, such sums of money as may be necessary to defray Town charges and expenses for the fiscal year beginning July 1, 2014, and to make appropriations for the same; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #6:

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Department for the fiscal year beginning July 1, 2014; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #7:

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Kenwood Water Department for the fiscal year beginning July 1, 2014; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #8:

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds, a sum of money with said sum to be used for the Town's Chapter 90 Program, reconstruction and improvement of Town roads and/or sidewalks, said sum to be reimbursed on a 100% basis by the Commonwealth of Massachusetts; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #9:

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds, a sum of money to be used for the repayment of medical bills that have been incurred pursuant to General Laws, Chapter 41, Section 100, and are outstanding from previous years; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #10:

To see if the Town will vote to appropriate from the Wetland Protection Fund a sum of money to be used in the fiscal year beginning July 1, 2014 to defray costs incurred by the Conservation Commission in the performance of its duties; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
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ARTICLE #11:

To see if the Town will vote to appropriate a sum of money from available “offset receipts” for the fiscal year beginning July 1, 2014, to be used in accordance with the provisions of General Laws, Chapter 44, Section 53E ½ or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #12:

To see if the Town will vote to appropriate a sum of money for the fiscal year beginning July 1, 2014 to be used in accordance with the provisions of General Laws, Chapter 78, Section 19A, as further amended by Chapter 636 of the Acts of 1970 (an act providing for State Aid to free and public libraries) and to authorize the Board of Library Trustees, with the approval of the Town Manager, to expend same; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

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ARTICLE #13:

To see if the Town will vote to appropriate from the Englesby Debt Account a sum of money to be used in the fiscal year beginning July 1, 2014 to defray Town charges and expenses and to make appropriations for the same; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #14:

To see if the Town will vote to appropriate from the Cemetery Trust Fund a sum of money to be used in the fiscal year beginning July 1, 2014 to defray costs incurred by the Cemetery Department in the performance of its duties; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #15:

To see if the Town will vote to appropriate from the Extra Polling Hours Reserve Account a sum of money to be used in the fiscal year beginning July 1, 2014 to defray costs incurred by the Elections Department in the performance of its duties; or act in any way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #16:

To see if the Town will vote to appropriate from the Town Hall Stabilization Fund a sum of money to be used in the fiscal year beginning July 1, 2014 to defray costs associated with the debt for Town Hall construction; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
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ARTICLE #17:

To see if the Town will vote to appropriate, borrow and/or transfer from the Capital Improvement Fund a sum of money to be used in the fiscal year beginning July 1, 2014 to defray costs associated with replacement of the overhead doors at the Department of Public Works Annex and implement Phase I of the Public Safety Communications Improvement Plan; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #18:

To see if the Town will vote to appropriate from the Stabilization Fund a sum of money to cover the costs of purchasing equipment for the Fire Department and/or Public Works Department; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #19:

To see if the Town will vote to act on the report of the Community Preservation Committee on the fiscal year 2015 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year; or act in any other way relative thereto.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee, by vote of a majority of committee
Recommendations:

ARTICLE #20:

To see if the Town will vote to act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Committee Open Space Reserve Account a sum of money for the purchase of signs and sign making materials for the purpose of identifying various Community Preservation Projects; or act in any other way relative thereto.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee, by vote of a majority of committee
Recommendations:

ARTICLE #21:

To see if the Town will vote to act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Committee Historic Preservation Reserve Account, for historical preservation purposes, a sum of money for the cleaning and/or restoring of historical documents, maps, pictures, etc. from the current Town Hall and Town Hall Annex; or act in any other way relative thereto.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee, by vote of a majority of committee
Recommendations:

ARTICLE #22:

To see if the Town will vote to act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Committee Open Space Reserve Account a sum of money, for recreational purposes, to prepare additional surveying and permitting work needed to prepare an as-built plan, to present to the Dracut Conservation Commission, related to the conditions for approval related to the original construction of the Park at 80 Broadway Road, Dracut, MA, Assessor's Map 51,

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ARTICLE #22 (Cont'd):

Block 61, Lot 3, also known as Veterans Memorial Park; or act in any other way relative thereto.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee, by vote of a majority of committee
Recommendations:

ARTICLE #23:

To see if the Town will vote to act on the report of the Community Preservation Committee to appropriate and expend from the Community Preservation Committee Open Space Reserve Account, for recreation purposes, a sum of money for the construction of bathrooms, storage area, access and associated site work, at 499 Pleasant Street, Dracut, MA, Assessor's Map 50, Lot 176, also known as Monahan Park; or act in any other way relative thereto.

Submitted by Helen Dunlap, Chairperson, Community Preservation Committee, by vote of a majority of committee
Recommendations:

ARTICLE #24:

To see if the Town will vote to amend Section 3.10.43 Compact Spaces, of the Zoning By-Laws, to include Governmental, Institutional, and Public Service Uses, so that the new section reads:

3.10.43 Compact Spaces

Office uses, research/office parks, manufacturing facilities, **governmental, institutional, and public service uses** which contain at least 40,000 square feet of gross floor area, 30% of the required parking may be in stalls for compact cars in accordance with the dimensional requirements as set forth in 3.10.42; or act in any other way relative thereto.

Submitted by Ellis Neofotistos, Chairperson, Permanent Building Committee, by vote of a majority of committee
Recommendations:

ARTICLE #25:

To see if the Town will vote to amend the Dracut Zoning By-Laws by adding a new section as follows:

**Section 4.18 entitled:
"Registered Marijuana Dispensary" and add said use to the Use Regulations, Section 2.11.30; and to the Principle Use Definitions, Section 2.11.41, and to the Table of Off-Street Parking Requirements, Section 3.10.24**

To see if the Town will vote to amend the Town's Bylaws as follows:

1. Amend 2.11.30 Table of Permitted Uses, to add the use "Registered Marijuana Dispensaries (RMD)" within the Principal Uses, subsection Business Uses, as an allowable use by Planning Board Special Permit only in the I-1 zoning district.

Business	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Registered Marijuana Dispensary	0	0	0	0	0	0	0	0	SPB-R	

Amend Section 2.11.44 Business Uses to add the use

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ARTICLE #25 (Cont'd):

REGISTERED MARIJUANA DISPENSARY (RMD) – a non-profit facility or location that has been registered by the Massachusetts Department of Public Health, where medical marijuana is grown, processed and made available to a qualified patient or a personal caregiver as determined by 105 CMR 725.000.

Amend Section 3.10.24 Table of Off-Street Parking Requirements by adding:

Registered Marijuana Dispensary (RMD) One space per employee and one space per 100 square feet of dispensary.

And by adding a new section in Section 4.0 *Special Regulations* for Registered Marijuana Dispensary as follows:

4.18 Registered Marijuana Dispensary (RMD)

4.18.1 A **Registered Marijuana Dispensary (RMD)** is considered a non-profit facility or location that has been registered by the Massachusetts Department of Public Health, where medical marijuana is grown, processed and made available to a qualifying patient or a personal caregiver as determined by 105 CMR 725.000.

4.18.2 **Spacing Requirements.** A Registered Marijuana Dispensary shall not be sited within the distance of any uses in accordance with 105 CMR 725.110(A)(14).

4.18.3 **Term.** A Special Permit granted under this Section shall expire within two (2) years of the date of issuance of the Permit. Prior to the expiration of the Special Permit, the applicant shall make application to the Special Permit Granting Authority (SPGA) for renewal of the Special Permit for an additional two (2) year period. Said renewal shall not require the technical submissions of the original application, provided that conditions of the site and facility have not changed materially from the original application.

4.18.4 **Transfer.** In addition to the Term requirements specified under Section 4.17.3, a Special Permit granted under this Section shall have a term limited to the duration of the applicant's ownership of the premises as a Registered Marijuana Dispensary. A Special Permit may be transferred only with the approval of the Special Permit Granting Authority in the form of a modification to the Special Permit with all information required per this Section 4.17, Section 4.18.5, and any other provisions of this Zoning Bylaw.

4.18.5 Further Criteria:

1. No permit shall be granted hereunder to any applicant, principal officer, agent, owner or manager of the Registered Marijuana Dispensary who has been convicted of a felony. The application shall include proof of the foregoing, by sworn statement and including submission to a CORI from the Chief of Police for each of the aforementioned individuals. The Chief of Police shall report to the SPGA prior to the close of the public hearing whether or not the applicant complies with the criteria.

2. In addition to the criteria and requirements set forth hereunder, the provisions of Section 10.4 shall apply to Special Permits filed under this Section 7.7; or act in any other way relative thereto.

Submitted by Ann M.Vandal, Acting Town Manager
Recommendations:

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ARTICLE #26:

To see if the Town will vote to authorize the Board of Selectmen to accept a deed of land from Rosine Mazzaglia and Peter J. Mazzaglia as trustees of the P.A.M. Realty Trust u/d/t dated 11/16/10 for one dollar that is described as follows:

The land in Dracut, situated on the westerly side of Broadway and shown as Parcel "A" as shown on a Plan entitled "Approval Not Required, Map 7, Lot 25, Broadway and Methuen Roads, State Highway (Route 113) Dracut, MA, prepared by Cuoco & Cormier, Engineering Consultants Inc. Prepared for Heritage Builders, Inc., 49 Silva Lane, Dracut, MA 01826, Scale 1" = 40', January 2011 recorded at the Middlesex North District Registry of Deeds in Plan Book 232, Page 103.

Containing about 1,188 square feet more or less. Also known as Parcel ID# 7-25-4 in the Dracut Tax Collectors Office.

Being a portion of the property conveyed to the grantors by deed of George P. Giannarakos, et al, dated July 28, 1967 and recorded in Book 1806, Page 352; or act in any other way relative thereto.

Submitted by Board of Selectmen
Recommendations:

ARTICLE #27:

To see if the Town will vote to authorize the Board of Selectmen to acquire a parcel of land without buildings thereon lying between New Boston Road and Primrose Hill Road and described as follows:

Southerly by land of Michael Hudzik, now or formerly 180 feet +/-;

Easterly by New Boston Road, 370 feet +/-;

Northerly a large curved line by New Boston Road and Primrose Hill Road, 80 feet +/-;

Westerly by Primrose Hill Road, 370 feet +/-.

The Town votes hereby to authorize the Board of Selectmen to acquire the land by gift, purchase, or to take by eminent domain;

That the Selectmen be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate the acquisition by gift, purchase, or taking by eminent domain, and that the Board of Selectmen be authorized to take any action necessary to carry out this project; or act in any other way relative thereto.

Submitted by the Board of Selectmen
Recommendations:

ARTICLE #28:

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen in a document entitled "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising the Preamble to read as follows:

We, the people of Dracut, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government and to take the fullest advantages inherent in the home rule amendment to the constitution of the Commonwealth, do hereby adopt the following rule change for the Town of Dracut.

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ARTICLE #28 (Cont'd):

ARTICLE 2, SECTION 1

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Art, 2, Sec. 1, to read as follows:

The legislative body of the town shall be a town meeting open to all registered voters of the Town.

ARTICLE 2, SECTION 2

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Art. 2, Sec. 2, to read as follows:

The second such meeting, referred to herein as the "fall town meeting", shall be held during the last four months of the calendar year on a date fixed by by-law, and shall be deemed to be an annual town meeting for all purposes of the General Laws; provided, however, that the fall town meeting shall not include the election of officers.

ARTICLE 2, SECTION 3

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Article 2, Section 3, as follows:

A quorum of 250 shall be required for the spring, or any special town meeting, and 200 for the fall meeting.

ARTICLE 2, SECTION 7

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Article 2, Section 7, to read as follows:

Committee on Rules and Regulations – There shall be a committee on rules and regulations consisting of seven or nine persons to be appointed by the moderator. Each member must reside in a different precinct from all other members; provided, however, that if there has been a vacancy that the moderator has been unable to fill for more than 120 days, the moderator may fill the vacancy with someone from the same precinct as an existing member. The terms of office of members of the committee shall be for three years, initially so arranged that an equal number of terms as possible shall expire each year. The moderator shall serve, ex-officio, as the chairman of the committee.

The members of the committee shall, during the time the town meeting is in session, organize by the election of a vice-chairman and a clerk.

The committee shall provide a continuing oversight of the business of the town meeting and shall consider all proposed changes in its conduct.

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ARTICLE #28 (Cont'd):

The committee shall review and report on all warrant articles that would, if adopted, amend the charter or affect the by-laws of the town. It shall be responsible for the decennial review of the by-laws of the town as provided in Article 7, Section 9.

ARTICLE 3, SECTION 7

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on charter changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Article 3, Section 7, to read as follows:

There shall be a board of library trustees consisting of five members elected for three-year terms, so arranged so that at least one term shall expire each year.

ARTICLE 3, SECTION 8

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Article 3, Section 8, to read as follows:

There shall be a moderator elected for a three-year term.

ARTICLE 3, SECTION 9

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk by revising Article 3, Section 9, by inserting, after Article 3, Section 9, paragraph (a):

There shall be a planning board consisting of five members appointed by the manager for three- year terms, so arranged that as nearly an equal number of terms as possible shall expire each year.

Notwithstanding section 9 of chapter 40A of the General Laws, section 81A of Chapter 41 of the

General Laws or any other general or special law to the contrary, the planning board, when acting as the special permit granting authority, shall have one associate member. The associate member shall be appointed by the Town Manager for a term of two years. In the case of absence, inability to act, or conflict of interest on the part of any member of the planning board, the chairperson of the board shall designate an associate member to sit on the board.

ARTICLE 4, SECTION 1

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, to revise Article 4, Section 1, to read as follows:

The Board of Selectmen shall appoint a Town Manager without term and fix his or her compensation within the amount annually appropriated for that purpose. The office of Town Manager shall not be subject to the personnel by-law. The Town Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she shall be a professionally-qualified person of proven ability, especially fitted by

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ARTICLE #28 (Cont'd):

education, training and previous experience. He or she shall have had five (5) years of full-time paid experience as a city or town manager, or as an assistant city or town manager or as a chief financial officer of a city or town, or other equivalent public sector experience, or the equivalent level private sector experience.

The terms of the manager's employment shall be the subject of a written agreement setting forth his or her compensation, vacation, sick leave benefits, and such other matters, excluding tenure as are customarily included. He or she shall not have served in an elective office in the town government for at least five years prior to his or her appointment. He or she shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during his or her term.

ARTICLE 4, SECTION 4d

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by deleting this section in its entirety and leaving this as a subject for negotiation between the Board and a prospective Town Manager.

ARTICLE 5, SECTION 4

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk by revising Article 5, Section 4, to read as follows:

The department of public works shall assume all of the duties and responsibilities in the performance of public works functions, including but not limited to those performed prior to the adoption of the charter by or under the authority of the sewer commission, the park commission, the cemetery commission, the town water department, and the board of selectmen.

ARTICLE 6, SECTION 3

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk by revising Article 6, Section 3, to read as follows:

He shall simultaneously provide for the publication of the proposed budget on the town's official website and for the publication in a local newspaper of a general summary of the proposed budget and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public.

ARTICLE 6, SECTION 6d

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Article 6, Section 6, to read as follows:

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ARTICLE #28 (Cont'd):

All warrant articles requiring an appropriation in excess of \$500 shall be integrated into the town manager's budget and shall be considered and reported thereon by the finance committee, unless another amount shall be provided in a future by-law. If the warrant article is not integrated into the town manager's budget, and not considered and reported thereon by the finance committee, it shall be ruled out of order by the moderator.

ARTICLE 6, SECTION 7

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk by revising Article 6, Section 7, to read as follows:

There shall be a capital planning committee consisting of seven or nine persons to be appointed by the town manager. Each member must reside in a different precinct from all other members; provided, however, that if there has been a vacancy that the town manager has been unable to fill for more than 120 days, the town manager may fill the vacancy with someone from the same precinct as an existing member.

ARTICLE 6, SECTION 9

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Article 6, Section 9, to read as follows:

Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of the general laws shall be submitted to the town manager. The approval of any such warrant by the town manager ...shall be sufficient authority to authorize payment by the town treasurer, but the board of selectmen alone shall approve all warrants in the event of a vacancy in the office of town manager. Any member of the Board may review any warrant upon request.

ARTICLE 7, SECTION 9

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by changing the title of the section to "Re-Enactment and Publication of By-Laws, and Review of Charter" and place an "(a) By-laws" in front of the current text, and by addition a new section titled "(b) Charter" to read as follows:

At intervals of not more than ten years, the board of selectmen shall appoint a committee for the purpose of reviewing the town charter. The committee shall commence its review following the adjournment of the annual town meeting in the year preceding the year in which its report is to be filed.

Within eight months following its appointment, the committee shall cause to be published on the town's official website and in a local newspaper (a) a report summarizing its recommendations and noting the times and places within the town where complete copies of the report shall be available for inspection by the public, and (b) the date, time and place not less than two weeks following such publication when a public hearing shall be held by the committee on the report.

ARTICLE 7, SECTION 13

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by revising Article 7, Section 13, to read as follows:

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ARTICLE #28 (Cont'd):

The board of selectmen shall order an election to be held not less than sixty-four nor more than ninety days after the date of the town clerk's certificate of the sufficient petition. If, however, any other town election is to occur within one hundred and twenty days after the date of the certificate, the board of selectmen shall hold the recall election on the date of such other election.

ARTICLE 7, SECTION 14

To see if the Town will vote, pursuant to G.L., c. 43B, s. 10, to amend the Dracut Town Charter, as recommended by the Board of Selectmen, in a document entitled, "Report to Town Meeting on Charter Changes proposed by the Board of Selectmen," which document is on file with the Town Clerk, by deleting this section in its entirety and left to state law and town personnel bylaws and policies.

Or act in any other way relative thereto.

Submitted by the Board of Selectmen

Recommendations:

ARTICLE #29:

To see if the Town will accept the provisions of Massachusetts General Laws, Chapter 32B, Section 20, Other Post-Employment Benefits Liability Trust Fund, for the purpose of establishing such Fund; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager

Recommendations:

ARTICLE #30:

To see if the Town will accept the provisions of Chapter 40, Section 58 of Massachusetts General Laws for the purpose of imposing a lien on real property for any Massachusetts Non-Criminal Fire Code Violation Notices (Ch. 148A and 527 CMR) that remain unpaid; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager

Recommendations:

ARTICLE #31:

To see if the Town will accept the provisions of Chapter 40, Section 58 of Massachusetts General Laws for the purpose of imposing a lien on real property for any unpaid fine(s) in accordance with Chapter 19 of the Town of Dracut By-Law Non-Criminal Disposition; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager

Recommendations:

ARTICLE #32:

To see if the Town will accept the provisions of Chapter 40, Section 58 of Massachusetts General Laws for the purpose of imposing a lien on real property for any unpaid fine(s) of Non-Criminal Building Code Violations in accordance with Massachusetts General Laws, Chapter 148A; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager

Recommendations:

**WARRANT
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ARTICLE #33:

To see if the Town will vote to adopt “Alarm By-Law and Regulations” for the purposes of establishing policies, procedures and imposing fines/penalties related to the operation of an emergency alarm system within the Town of Dracut.

**DRACUT POLICE DEPARTMENT
ALARM BY-LAW AND REGULATIONS**

SECTION 1-DEFINITIONS

- A. **Emergency Alarm System:** The term “Emergency Alarm System” shall mean an assembly of equipment and devices, or a single device, arranged to signal a hazard or intrusion requiring urgent attention and to which police are expected to respond. In this By-Law, the term “emergency Alarm System” shall include the terms, “Dial Alarm,” “Direct Alarm,” and “Local Alarm,” as those terms are hereinafter defined.
- B. **Alarm Installation:** The term “Alarm Installation” shall refer to the design, installations, repair, alterations and maintenance of systems designed to cause alarm to be sounded in the event of a burglary or robbery.
- C. **Person:** The term “Person” shall refer to any natural person, corporation, unincorporated association, or other legal entity.
- D. **Alarm User:** The term “Alarm User” shall refer to any person on whose premises an alarm system is maintained with the Town of Dracut, except for alarm systems on motor vehicles or proprietary alarm systems.
- E. **Proprietary System:** the term “Proprietary System” shall mean all alarm systems sounding and/or recording alarm and supervisory signals at a control center located within the protected premises; the control center being under the supervision of the proprietor of the protected premises or his employees or agents. If a proprietary alarm system includes a signal line connected directly, or by means of a dialing device, to a central station or answering service, it thereby becomes an emergency alarm system as defined in this By-Law.
- F. **Answering Service:** The term “Answering Service” shall mean a telephone answering service which provides the service of receiving emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the Dracut Police Department.
- G. **Central Alarm Station:** The term “Central Alarm Station” shall mean any facility which is privately owned, that owns or leases alarm systems, whose facility is staffed by employees who receive, record, or validate alarm signals and relay the information of such signals to the Dracut Police Department by any means.
- H. **Dial Alarm:** The term “Dial Alarm” shall mean an alarm system which automatically selects a telephone line connected to the Dracut Police Department and reproduces a pre-recorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

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ARTICLE #33 (Cont'd):

- I. Direct Alarm:** The term “Direct Alarm” shall mean any alarm system which is directly connected to the alarm processing unit within the police monitoring facility.
- J. Local Alarm:** The term “Local Alarm” shall mean any alarm system which may, or may not be connected to a central station or answering service, which when activated, causes an audible and/or visual signaling device at the premises within which the alarm system is installed.
- K. Manual Alarm:** The term “Manual Alarm” shall mean any alarm in which the activation of the alarm is initiated by the direct action of the alarm user, his agents, or employees, and is installed to elicit a police response to a burglary, attempted burglary, robbery or attempted robbery.
- L. False Alarm:** The term “False Alarm” means (1) the activation of an alarm system through mechanical failure, malfunction, or improper installation, or negligence of the user of an alarm system or of his employees or agents; (2) any signal or oral communication transmitted to the Police Department requesting, requiring or resulting in a response on the part of the Police Department when, in fact, there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery at a premises. Excluded from this definition are activation of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, or an alarm user who has no other means of eliciting an emergency response by the Police Department for valid emergency reasons.
- M. Town:** The term “Town” shall mean the Town of Dracut, Massachusetts.
- N. Police Department:** The term “Police” or “Police Department” shall mean the Town of Dracut Police Department, or any authorized agent thereof.
- O. Police Chief:** The term “Police Chief” shall mean the Chief of Police of the Town of Dracut or his designated representative.
- P. Public Nuisance:** The term “Public Nuisance” shall mean anything which annoys, injures, or endangers the comfort, repose, health or safety of any persons or any community or neighborhood.
- Q. Permit:** The term “permit” shall mean written permission, duly granted to an applicant by the Town upon submission of a permit application.
- R. Permit Year:** The term “Permit Year” means a 12 month period, beginning January 1 and ending December 31 of each year.
- S. Police Alarm Administrator:** The term “Police Alarm Administrator” shall mean an employee of the Town whose responsibility is to coordinate the administration and documentation of alarm businesses and alarm systems as it relates to the effective enforcement of the provisions of this By-Law.

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ARTICLE #33 (Cont'd):

SECTION 2 – ADMINISTRATIVE PROCEDURES

Within ninety (90) days from the effective date of this By-Law, every “Alarm User” shall make application for a permit which shall be required to maintain and/or operate an “Emergency Alarm System” within the Town of Dracut.

The Chief of Police is hereby authorized to issue a permit to any owner of property located within the Town of Dracut or the lesser thereof, to maintain, install and modify an alarm system upon application to him, and subject to the following provisions:

- A.** The alarm user, applying for the permit, shall provide to the Chief of Police the name, address, and current phone contact number of at least two persons for one family residences and three persons for all other property, who will be available at all times for the purpose of responding to alarms, by personally appearing at the building protected following an alarm of any kind.
- B.** The Chief of Police, upon application to him for a permit, shall in his sound judgment, determine whether the application conforms to the requirements of this By-Law, that the facts stated therein are true and accurate; and he may cause such system to be inspected, to determine whether such system is reasonably operational.
- C.** All information obtained pursuant to this By-Law shall be kept confidential and shall be for the use of the Police Communications center and the Police Alarm Administrator.
- D.** It shall be the responsibility of the permit holder to keep all information necessary for proper notification, with the Police Communications Center/Police Alarm Administrator, current and up to date.
- E.** A “Residential Permit” shall include all private dwellings, individual apartments, or condominium units, occupied primarily by the applicant, for which the applicant will complete the permit form and submit to the Dracut Police Department.
- F.** A “Commercial Permit” shall include all businesses, corporations, or un-incorporated associations for which the applicant will complete the permit form and submit to the Dracut Police Department.
- G.** All federal, state, county, or local government agencies who operate alarm systems shall be exempt from all permit fees and service charges, but shall comply with all other requirements of this By-Law, and with all requests of the Chief of Police, as shall concern the operation of their alarm systems.
- H.** All persons 65 years of age or older who are the principal occupant of the private residence listed on the application, shall also be exempt from all permit fees, but shall comply with all other requirements of this By-Law.
- I.** Applications for the renewal of an alarm user’s permit shall be made every year within thirty days immediately preceding January 1, and shall be submitted by the alarm user to the Dracut Police department.

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ARTICLE #33 (Cont'd):

- J.** All alarm users to whom a permit has been issued, shall keep the permit within the protected premises for which the permit was issued.

- K.** Any alarm permit issued under this By-Law shall be made available for inspection, suspension, or revocation purposes, upon the demand of any authorized Dracut Police Officer.

- L.** Failure to comply with any of the provisions of this By-Law may constitute grounds for the Chief of Police to deny the issuance of a permit, or suspend/revoke an existing permit.

SECTION 3-CONTROL AND CURTAILMENT OF FALSE ALARMS

- A.** No alarm system designed to transmit emergency messages through relay to the Police Department will be tested or demonstrated without notifying the Communications Center. Notification is not required to test or demonstrate alarm devices not transmitting emergency messages through relay to the Police Department. An alarm activation without notification constitutes a false alarm.

- B.** If in the event of any alarm, the Police Communications Center is unable to notify any listed representative of the alarm user, or if a representative of the alarm user fails to appear at the building within thirty (30) minutes, after being advised the alarm is still sounding and active, the Police Communications Center shall not respond to any further alarms from that system until the alarm is reset by the alarm user or, in the case of a defective alarm system, until the alarm system has been repaired.

Whenever a representative of an alarm user fails to appear, more than once, without good cause, at the building protected, following an alarm within (30) minutes after being notified by the Police Communications Center of the necessity to respond, the alarm user shall pay a charge set pursuant to M.G.L. C.40 s. 22F of **fifteen dollars (\$15.00)** in addition to any service charge assessed, for every such event, to the Town of Dracut. Violation of the provisions of this sub-section is sufficient cause for suspension/revocation of the Emergency Alarm System Permit required by Section 2 of the Code of the Town of Dracut.

- C.** Any user of an alarm system, which transmits false alarms requiring a response from the Dracut Police Department, shall be assessed a service charge set by the Chief of Police pursuant to M.G.L. C. 40 s. 22F for each false alarm in excess of three (3) occurring within a month's period.

FEES:

Third false alarm within month.....	<u>\$25.00</u>
Fourth false alarm within month.....	<u>\$35.00</u>
Fifth & subsequent false alarm within month.....	<u>\$50.00</u>

All service charges assessed hereunder shall be paid through the Police Alarm Administrator to the Town of Dracut Treasurer for deposit into the General Fund.

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ARTICLE #33 (Cont'd):

Upon failure of an alarm user to pay the assigned service charge within thirty (30) days, a **five dollar (\$5.00)** late fee shall be assessed and the total amount shall be payable within fifteen (15) days. Failure to remit payment due, within a total of forty-five (45) days from original notice shall result in the Chief of Police ordering the permit (for the premises recording the false alarm) revoked. Any such revocation shall be effectuated within ten (10) days from the date of the mailing of the Police Chief's order.

- D.** After the Police Department has recorded six (6) separate false alarms within a calendar year from a particular alarm system, the Police Chief shall notify the alarm user, in writing, of such fact and require said alarm user to submit, within ten (10) days after receipt of such notice, a report describing efforts to discover and eliminate the cause(s) of the false alarms. If the alarm user, on the basis of absence from the Town, or on any other reasonable basis, requests an extension of time for filing the report, the Police Chief may extend the ten (10) day period for a reasonable amount of time. If the said alarm user fails to submit such a report within ten (10) days or within any such extended period, the Police Chief may order the alarm permit (for the premises recording the six (6) false alarms) suspended until the alarm system is made to function properly. Any such order of suspension shall be preceded by a written notice of intent to the alarm user by the Police Chief. Any such suspension shall be effectuated ten (10) days from the date of mailing of the Police Chief's notice, if no hearing is requested.
- E.** In the event that the Police Chief determines that a report submitted is unsatisfactory or the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief shall order the alarm permit (for the premises recording the six (6) false alarms) suspended until the alarm system is made to function properly. Any such order of suspension shall be preceded by a written notice of intent to the alarm user by the Police Chief. Any such suspension shall be effectuated within ten (10) days from the date of mailing of the Chief's order.
- F.** In the event that the Police Department records ten (10) false alarms within a calendar year from a particular alarm system, the Police Chief may order the permit for said alarm system to be revoked for a period of not less than six (6) months. Any such order of revocation shall be preceded by a written notice of intent to the alarm user by the Police Chief. Any such revocation will be effectuated within ten (10) days from the date of mailing of the Police Chief's order.
- G.** Upon receipt of a notice of intent to suspend or revoke an alarm user's permit, pursuant to this By-Law, the alarm user may, within five (5) days of such receipt, submit a written request for a hearing before the Chief of Police or his designee, setting forth the reasons why the permit should not be revoked or suspended.
- H.** At the hearing before the Chief of Police or his designee, the holder of the permit shall have the right to present evidence, cross examine witnesses and be represented by counsel. Such a hearing shall be informal and shall not be subject to the rules of evidence of formal courtroom procedure. After the hearing, the Chief of Police or his designee may either issue an order of revocation, withdraw the notice of revocation, or suspend the permit until such time that he is satisfied that the cause (or causes) of the false alarms has (or have) been eliminated.

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ARTICLE #33 (Cont'd):

- I.** Any alarm user who has, in accordance with this section had their alarm permit revoked/suspended by the Police Chief may appeal the order of revocation/suspension to the Town Manager. An appeal shall be filed within five (5) days of the date of the order of revocation/suspension. Thereafter, the Town Manager shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all parties concerned. After hearing such evidence the Town Manager may affirm, vacate, or modify the order of suspension/revocation.
- J.** An alarm user, whose permit has been revoked, is precluded under this By-Law from applying for a new permit unless he has satisfied the Chief of Police that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police may also impose reasonable restrictions and conditions upon the user before issuing a new permit. (These restrictions and/or conditions shall appear on the permit and shall provide for automatic revocation for occurrence of five (5) false alarms in the remaining permit year.
- K.** Any alarm user, central stations, answering service or proprietary system, who does not possess an alarm user's permit, or whose permit has been suspended, revoked or denied, transmits by any means to the Dracut Police Department an alarm signal from their respective system, shall be charged a **twenty dollar (\$20.00) service fee** for each signal eliciting a response from the Police. This service fee shall be separate from any fines which may be assessed by the Court upon a finding of a violation of this By-Law.
- L.** Any alarm user, owner, or lessee who possesses an alarm user's permit may appeal false alarm service charges in writing to the Chief of police within ten (10) days after receipt of the notice of penalty.
- M.** The Chief of Police or his designee may waive assessment of the service charge, when, in his judgment, reasonable attempts are being taken to discover and eliminate the cause of the false alarm.
- N.** Any alarm user who, after having a permit revoked and after exhausting his right to a hearing, or failed to request a hearing, fails to disconnect his alarm system, within seven (7) days, shall be guilty of a violation and upon conviction, shall be fined not less than **fifty (\$50.00 dollars and not more than one hundred dollars (\$100.00))**

SECTION 4 – ABATEMENT OF NUISANCE ALARMS

- A.** All alarm systems as defined in this By-Law which make or sound an audible signal which may be heard outside of the protected premises, shall be equipped with a device which shall limit the duration of such audible signal to not more than twenty (20) minutes.
- B.** Any alarm system emitting a continuous and uninterrupted audible signal for more than twenty (20) minutes between 7:00 p.m. and 7:00 a.m. which cannot be shut off, reset or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him and which disturb the peace, comfort or repose of a community, a neighborhood, or inhabitants of the area where the alarm system is located, shall constitute a public nuisance.

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ARTICLE #33 (Cont'd):

Upon receiving complaints regarding such a continuous and uninterrupted audible signal, the Police Communications Center shall endeavor to contact the alarm user, or those persons designated by the alarm user in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

- C.** In the event that the Police Communications Center is unable to contact the alarm user, or those persons designated by the alarm user, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system for more than twenty (20) minutes and constitutes a public nuisance, with a recorded complainant, the alarm user shall be guilty of a violation, and shall be charged a fine of twenty five dollars (\$25) for a first offense, or fifty dollars (\$50) for a second and any subsequent offense.
- D.** Within ten (10) days after receiving notice of a public nuisance fine in accordance with this section, the alarm user may request a hearing before the Chief of Police and may present evidence showing that his alarm system was not a public nuisance at the time of occurrence. The Chief shall hear all interested parties and determine if the occurrence constituted a public nuisance. The Chief may assess the prescribed penalties or waive the fees if sufficient evidence refutes the occurrence of a public nuisance, or the alarm user has presented sound and sufficient evidence that the existing alarm problem has been rectified.
- E.** Any alarm user who has, in accordance with this section, been assessed a fine for a nuisance alarm after a hearing before the Police Chief may appeal the fine to the Town Manager. An appeal shall be filed within five (5) days of the date of the hearing before the Police Chief. Thereafter the Town Manager shall consider the merits of the appeal, and in connection therewith shall hear evidence the Town Manager may affirm, vacate, or modify the assessment of said fine.

SECTION 5- ALARMS NOT ALLOWED

Dial alarms and direct alarms are not allowed

SECTION 6- ADMINISTRATION OF PROGRAM

The Chief of Police shall establish a written procedure for the administration and enforcement of the provisions of this By-Law.

In January of each year the Chief of Police shall submit a report to the Town Manager regarding the effectiveness of this By-Law and any recommendations thereon.

The Police Department of the Town of Dracut shall take every reasonable precaution to assure that the alarm signals and alarm messages received by the Police Department are given appropriate attention and are acted upon with dispatch. Nevertheless, the Police Department shall not be liable for any defects in the operation of alarm devices, for any failure or neglect to respond appropriately upon receipt of an alarm from such source, nor for the failure or neglect of any person or in connection with the installation and operation of alarm systems or their components, the transmission of alarm signals and messages.

Or act in any other way relative thereto.

Submitted by David Chartrand, Deputy Police Chief
Recommendations:

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ARTICLE #34:

To see if the Town will vote to accept the provisions of Chapter 40, Section 58 of Massachusetts General Laws for the purpose of imposing a lien on real property for any unpaid fine(s) of Non-Criminal False Alarm Violations in accordance with the Town of Dracut Alarm By-Law; or act in any other way relative thereto.

Submitted by Ann M. Vandal, Acting Town Manager
Recommendations:

ARTICLE #35:

To see if the Town will vote to create a Green Communities Study Committee to review the impact of participation in the state Green Communities Program including, to the extent possible, an assessment of the costs and benefits to the Town and to residential and commercial applicants.

The Green Communities Study Committee, as part of its charge, will review participation in the Green Communities Program by other cities and towns, including Tyngsboro, Lowell, Tewksbury and Andover, and meet with key stakeholders who would be affected by adoption of this program.

This study committee will meet bi-weekly and issue a progress report to the Dracut Board of Selectmen by September 15, 2014, as well as a final report just prior to the Fall 2014 Town Meeting.

The committee shall be comprised of 2 members of the public to be chosen at Town Meeting, plus additional members to be added at the option of the following boards and commissions: Open Space Committee (1), Conservation Commission (1), Permanent Building Committee (1), Community Preservation (1). The School Committee, the Board of Selectmen and Town Manager may each designate one additional Dracut resident of voting age to serve on this committee if they so choose. Finally, the DHS Principal may designate a student with an interest in environmental science to serve.

The committee shall elect a chair from among its membership and shall meet regularly. Minutes shall be published when approved on the Town web site; or act in any other way relative thereto.

Submitted by Voter Petition
Recommendations:

ARTICLE #36:

To see if the Town will vote to accept Article #36 as follows:

WHEREAS the Town of Dracut has made a slide presentation supporting expansion of interstate pipeline infrastructure by Kinder Morgan Inc. available on the Town web site;
WHEREAS the company is exploring a route that cuts through the State Forest, residential neighborhoods, and protected wetlands from Althea Lake to Wheeler Road;
WHEREAS town residents and officials would benefit from hearing both sides of the debate so that we will be prepared to express our opinions to State and Federal regulators if permit applications are filed for this gas pipeline project;
WHEREAS capacity issues that the pipeline proponents claim to solve are already addressed by existing legislation and by pipeline plans in Southern New England that are further along in the approval process;
The Town hereby directs the Clerk to allow a group of Dracut residents to submit and post on the Town web site a fact-based report highlighting potential negative impacts of the pipeline alongside the Kinder Morgan presentation prior to June 19, 2014, to make paper copies of these reports available upon request; or act in any other way relative thereto.

Submitted by Voter Petition
Recommendations:

**WARRANT
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Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting aforesaid.

Given under our hands this 13th day of May, 2014:

DRACUT BOARD OF SELECTMEN

Cathy Richardson, Chair

Joseph DiRocco, Jr.,

Tony Archinski

Tami M. Dristiliaris

Alison Hughes

May 14, 2014, I have this date posted up attested copies of the above Warrant at the following places as designated in the By-Law of the Town.

- Precincts 1 & 6A - Senior Center, 951 Mammoth Rd.
- Precincts 2 & 6 - Lakeview Junior High School, 1570 Lakeview Ave.
- Precincts 3 & 8 - Moses Greeley Parker Library, 28 Arlington St.
- Precincts 4 & 8 - Campbell School, 1021 Methuen St.
- Precincts 5 & 9 - Lakeview Junior High School, 1570 Lakeview Ave.

Also, at Town Hall and Town Hall Annex, inside and outside.

A TRUE COPY ATTEST: _____
Virginia Courtenay, Constable